

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRO-TECH CORPORATION t/a
THE PUROLITE COMPANY, et al.,

Plaintiffs,

v.

THERMAX, INC. d/b/a THERMAX
USA LTD, et al.,

Defendants.

CIVIL NO. 05-CV-2330

FILED

SEP 3 2009

MICHAEL KONZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 3rd day of September, 2009, upon consideration of Plaintiffs'

Amended Complaint [Doc. No. 22], the Motion for Partial Summary Judgment on Plaintiffs' RICO Claims filed by Defendants Gleasman, Gresham, Mukhopadhyay, Pudumjee, Sabzali, Sachdev and Shastri ("RICO Defendants") [Doc No. 271], the Motion for Summary Judgment filed by Defendants Gleasman, Gresham, Sabzali and Sachdev [Doc. No. 288], and the Motion for Summary Judgment filed by Defendants Mukhopadhyay, Pudumjee, Shastri, Thermax, Inc., and Thermax Ltd. [Doc. No. 289], and all responses, replies, sur-replies and supplemental filings related to these Motions, it is hereby **ORDERED** as follows:

1. The RICO Defendants' Motion [Doc No. 271] is **GRANTED** in its entirety.

Accordingly, Counts XI and XII of Plaintiffs' Amended Complaint are **dismissed**.

2. The Motion of Defendants Gleasman, Gresham, Sabzali and Sachdev [Doc. No. 288] is **GRANTED IN PART AND DENIED IN PART** as follows:

A. It is **GRANTED** in that:

1. Count II of Purolite's Amended Complaint (Inevitable Disclosure) is **dismissed**;

2. Count IV (Breach of Contract) is **dismissed** as to Defendant Gleasman only;
3. Count VI (Tortious Interference with Existing and Prospective Contractual and Business Relations) is **dismissed** as to Defendants Gleasman and Sachdev only;
4. Count VII (Conversion) is **dismissed**;
5. Count IX (Commercial Disparagement) is **dismissed**;
6. Count XIII (Common Law Civil Conspiracy) is **dismissed**;

B. In all other respects the Motion is **DENIED**.

3. The Motion of Defendants Mukhopadhyay, Pudumjee, Shastri, Thermax, Inc., and Thermax Ltd. [Doc. No. 289] is **GRANTED IN PART AND DENIED IN PART** as follows:

A. It is **GRANTED** in that:

1. Count II of Purolite's Amended Complaint (Inevitable Disclosure) is **dismissed**;
2. Count VII (Conversion) is **dismissed**;
3. Count IX (Commercial Disparagement) is **dismissed**;
4. Count XIII (Common Law Civil Conspiracy) is **dismissed**;

B. In all other respects the Motion is **DENIED**.

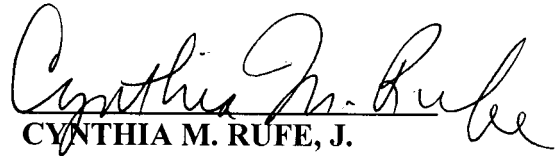
It is **FURTHER ORDERED** that the Court's Order of March 31, 2009 [Doc. No. 458] is **VACATED AND MODIFIED IN PART** as follows: that aspect of the Order dismissing Plaintiffs' Motion for Summary Judgment [Doc. No. 287] in its entirety is vacated; instead, Plaintiffs' Motion is **DISMISSED** in part, with respect to Plaintiffs' request for judgment on

Thermax's Counterclaims only; the Motion is reinstated with respect to Plaintiffs' request for dismissal of Thermax's eighth and ninth affirmative defenses.

It is **FURTHER ORDERED** that, upon consideration of Plaintiffs' Motion for Summary Judgment as to Thermax's eighth and ninth affirmative defenses [Doc. No. 287], the Motion is **GRANTED**. Thermax's eighth and ninth affirmative defenses are **dismissed**.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.